Imam Abu Hanifah (d. 148 A.H.) – Regarding Rebellion Against Unjust Rulers

by

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Abi Bakr al-Jassas (370 A.H.) said[1]:

وكذلك قال النبي ﷺ (لا طاعة لمخلوق فى معصية الخالق) ودل أيضاً على أن الفاسق لا يكون حاكما وأن أحكامه لا تنفذ إذا ولى الحكم وكذلك لا تقبل شهادته ولا خبره إذا أخبر عن النبي ﷺ ولا فتياه إذا كان مفتياً

The Prophet (peace be upon him) said, "There is no obedience to the creation, if it constitutes disobedience to the Creator." This indicates that the corrupt individual cannot be a ruler and that his laws are not to be applied if he attains leadership. His testimony and narrations from the Prophet (peace be upon him) are to be rejected. If he passes verdicts as a mufti, they are to be rejected as well.

ومن الناس من يظن أن مذهب أبى حنيفة تجويز إمامة الفاسق وخلافته وأنه يفرق بينه وبين الحاكم فلا يجيز حكمه وذكر ذلك عن بعض المتكلمين وهو المسمى زرقان وقد كذب فى ذلك وقال بالباطل وليس هو أيضاً ممن تقبل حكايته ولا فرق عند أبى حنيفة بين القاضى وبين الخليفة فى أن شرط كل واحد منهما العدالة وأن الفاسق لا يكون خليفة ولا يكون حاكماً كما لا تقبل شهادته ولا خبره لو روى خبراً عن النبي ﷺ وكيف يكون خليفة وروايته غير مقبولة وأحكامه غير نافذة وكيف يجوز أن يدعى ذلك على أبى حنيفة وقد أكرهه ابن هبيرة فى أيام بنى أمية على القضاء وضربه فامتنع من ذلك وحبس فلج ابن هبيرة وجعل يضربه كل يوم أسواطاً

Continuing on…

Some think that Abu Hanifah validates the rule of the corrupt Imam and his Caliphate, and that he differentiates between him and the ruler. Some from the amongst the Mutakallimeen mentioned this, such as Zurqan. He's a liar and has spoken falsehood in this regard. He's also one whose testimony is not to be

[1] Abi Bakr al-Jassas, *Ahkaam al-Qur'aan*, (Dar Ihyaa' at-Turaath al-'Araby, Beirut; edited by Muhammad as-Saadiq al-Qamhaawi, 1992), Volume 1, pp. 86-87

accepted. **There is no difference according to Abu Hanifah between the judge and the Caliph** in that the condition for each one them (i.e. to remain in their seat of authority) is justice, **and that the corrupt person can be neither the Caliph, nor ruler.** This is just as how we reject his testimony and narrations from the Prophet (peace be upon him). How could he be a Caliph while his narrations are to be rejected and his rulings are not to be implemented? And how could one attribute such an opinion to Abu Hanifah when he was under duress from Ibn Hubaira during the days of Bani Ummayah to be a judge? When he refused to comply, he was beaten and imprisoned, and Ibn Hubaira would have him lashed every day.

Continuing on…

وكان مذهبه مشهوراً فى قتال الظلمة وأئمة الجور ولذلك قال الأوزاعى
احتملنا أبا حنيفة على كل شيء حتى جاءنا بالسيف يعني قتال الظلمة فلم نحتمله وكان من
قوله وجوب الأمر بالمعروف والنهى عن المنكر فرض بالقول فإن لم يؤتمر له فبالسيف
على ماروى عن النبي ﷺ وسأله إبراهيم الصائغ وكان من فقهاء أهل خراسان ورواه
الأخبار ونساكهم عن الأمر بالمعروف والنهى عن المنكر فقال هو فرض وحدثه بحديث
عن عكرمة عن ابن عباس أن النبي ﷺ قال (أفضل الشهداء حمزة بن عبد المطلب ورجل
قام إلى إمام جائر فأمره بالمعروف ونهاه عن المنكر فقتل) فرجع إبراهيم إلى مرو وقام
إلى أبى مسلم صاحب الدولة فأمره ونهاه وأنكر عليه ظلمه وسفكه الدماء بغير حق فاحتمله
مراراً ثم قتله وقضيته فى أمر زيد بن على مشهورة وفى حمله المال إليه وفتياه الناس سراً
فى وجوب نصرته والقتال معه وكذلك أمره مع محمد وإبراهيم ابني عبدالله بن حسن وقال
لأبى إسحق الفزارى حين قال له لم أشرت على أخى بالخروج مع إبراهيم حتى قتل قال
مخرج أخيك أحب إلى من مخرجك وكان أبو إسحق قد خرج إلى البصرة وهذا إنما أنكره
عليه أغمار أصحاب الحديث الذين بهم فقد الأمر بالمعروف والنهى عن المنكر حتى تغلب
الظالمون على أمور الإسلام فمن كان هذا مذهبه فى الأمر بالمعروف والنهى عن المنكر
كيف يرى إمامة الفاسق فإنما جاء غلط من غلط فى ذلك إن لم يكن تعمد الكذب من جهة

His madhab [i.e. Abu Hanifah] was well known regarding fighting oppressors and tyrannical rulers. That's why al-Awzaa'i said: We used to tolerate everything from Abu Hanifah, until he came with the sword - meaning. his opinion regarding fighting oppressors – this we didn't tolerate. And **he (i.e. Abu Hanifah) used to say**: Enjoining good and forbidding evil is compulsory by speech, and if it doesn't work, **then the sword [i.e. fighting] based on what was narrated from the Prophet.** Ibrahim al-Saaigh – who was one of the jurists from

Khorasan -asked him [i.e. Abu Hanifah] about enjoining good and forbidding evil, so he [i.e. Abu Hanifah] said: Its' compulsory. And then he told him about the hadith of Ikrimah on the authority of Ibn Abbas[2], that the Prophet said "The best of martyrs are Hamza bin Abdul Muttalib and a man who stands up to a tyrant and enjoined him to do good and forbade him from evil, and is then killed as a result." So Ibrahim returned and went to Abi Muslim who was the head of the state and rebuked him for his oppression and spilling of blood unjustly. He was tolerated a few times, but then eventually killed. His assistance to Zaid bin Ali is well known. He used to provide him with money **and secretly give fatwas to people regarding the obligation to fight with him and make him victorious.** Also, his involvement in the affair of Muhammad and Ibrahim bin Abdullah Hassan is well known. When Abi Ishaq al-Fazari said to him (i.e. Abu Hanifah) **"Why did you refer to my brother who rebelled with Ibrahim until he got killed?"** So he responded back saying: **Your brother's rebellion is more beloved to me** than yours. Abu Ishaq went to Basra, and Ashaabul Hadeeth rebuked him, who have lost their ambition to enjoin good and forbid evil until the oppressors were able to overcome and abolish the affairs of Islam.

[2] Those who have read the article, "The "Hanafi Stance" Regarding the Narrator Ikrimah – The Slave of Ibn Abbas" would find it interesting to note that here is Imam Abu Hanifah using a hadeeth narrated via Ikrimah! In fact, if one were to go to Abdullah bin Muhammad bin Ya'qub's *Musnad al-Imam Abi Hanifah,* more specifically the section where Imam Abu Hanifah narrates from Ikrimah, he would find the narration of the martyr. So this is a hadeeth which Abu Hanifah directly received from Ikrimah himself and used it as a proof to propagate his views regarding standing up to the corrupt ruler, yet the modernist Hanafis have the audacity to say that Abu Hanifah rejected Ikrimah as a reliable narrator!

Some had opined that Imam Abu Hanifah changed his mind before he passed away and this is the reason why scholars such as Imam at-Tahawi[3], al-Bazdawi[4], Ibn al-Humam[5], and other scholars from the Hanafi madhab adopted a more "anti-rebellion" view.

Bearing in mind that Abu Hanifah's opinion is not necessarily representative of the madhab's (i.e. the position of the madhab may not necessarily be the position of its founder), one must ask what the proof for this assertion is though.

For one, Abi Bakr al-Jassas appeared to be very confident that Imam Abu Hanifah did not change his mind. He appealed to what was "well known" regarding Abu Hanifah's stance on the issue and there does not appear to be evidence which overrides what was already widely and popularly transmitted to be his opinion.

Secondly, we read in Abdullah ibn Ahmad bin Hanbal's son's book "Kitab as-Sunnah" the following narrations:

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[3] He said in his famous creed:

> ولا نرى الخروج على أئمتنا وولاة أمورنا وإن جاروا ولا ندعو عليهم، ولا ننزع يدا من طاعتهم، ونرى طاعتهم من طاعة الله عزَّ وجلَّ فريضة، ما لم يأمروا بمعصية، وندعو لهم بالصلاح والمعافاة....

> We do not believe in rebelling against our Imams and leaders, even if they were to oppress us, nor do we make dua against them. We will not disobey them; in fact, we see our obedience to them as obedience to Allah, which is an obligation. This is as long as they do not order us to commit a sin. We pray for their rectification…

[4] He said in his book *Usool ud-Deen*:

> الإمام إذا جار أو فسق لم ينعزل عند أصحاب أبي حنيفة بأجمعهم

> If the Imam turned tyrannical or became corrupt, he should not be removed according to all of Abu Hanifah's companions.

[5] He said in his *al-Musaayara*:

> وإذا قلد عدلا، ثم جار وفسق لم ينعزل، ويستحق العزل إن لم يستلزم فتنة، ويجب أن يدعى له ولا يجب الخروج عليه كذا عن أبي حنيفة

> If he was followed whilst being just, but then became tyrannical and corrupt, he should not be removed. He should only be removed in the case when no fitnah would arise as a result. Dua should be made for him and rebellion should not be made against him. This is the position of Abu Hanifah.

حدثني أبو الفضل الخراساني ، ثنا الحسن بن موسى الأشيب ، قال : سمعت أبا يوسف ، يقول : « كان أبو حنيفة يرى السيف » قلت : فأنت ؟ قال : « معاذ الله »

Abu al-Fadl al-Khorasani – al-Hassan bin Musa al-Ashyab – Abu Yusuf: Abu Hanifah took the opinion of the sword [i.e. rebellion]. I said: And you?. He said: God forbid.

Abu Yusuf is none other than Imam Abu Yusuf bin Ibrahim al-Ansari (d. 182 A.H.), the famous jurist student of Imam Abu Hanifah. And he was best aware of his teacher's opinions, and this narration appears to be after Abu Hanifah's passing.

We read in another narration…

حدثني أبو الفضل الخراساني ، حدثني إبراهيم بن شماس السمرقندي ، قال قال رجل لابن المبارك ونحن عنده « إن أبا حنيفة كان مرجئا يرى السيف » ، فلم ينكر عليه ذلك ابن المبارك

Abu al-Fadl al-Khorasani – Ibrahim Shimas as-Samarqandi said: A man once said to ibn al-Mubarak while we were with him… "Abu Hanifah was a Murji' who took the opinion of the sword [i.e. rebellion]" and ibn al-Mubarak did not rebuke him for that.

Once again, this appears to be after the death of Abu Hanifah.

In light of these narrations, it is difficult to believe that Imam Abu Hanifah changed his view.

Some may dismiss these narrations as ahlul-hadeeth propaganda against Abu Hanifah, but what makes at least the substance of these narrations plausible [specifically the bit regarding his views on rebellion] is the fact that even Abi Bakr al-Jassas (who has no axe to grind) himself states that this was the well-known position of Imam Abu Hanifah.

Conclusion

Imam Abu Hanifah was one of the greatest scholars in Islamic history. His love and passion for justice and standing up for the rights of the innocents, coupled with the fact that he was a victim of dictatorial brutality may have possibly influenced his decision on this subject. Nevertheless, he made Ijtihad and adopted the position he sincerely thought was correct according to Islam, and whether he's right or wrong on this matter[6] we should not think any less of Imam Abu Hanifah.

[6] Which is a sensitively debated subject in our times.